L7207

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATIONS 462, 640 AND 892 (LICENSES 7205, 7206 AND 7207)

ORDER APPROVING TEMPORARY URGENCY CHANGE IN POINT OF DIVERSION

WHEREAS:

1. Licenses 7205, 7206 and 7207 were issued to Provident Irrigation District (PID) on March 30, 1965. Licenses 7205, 7206 and 7207 are for a combined direct diversion of 460 cubic feet per second (cfs) from: (1) Sacramento River, (2) Colusa Basin Drain, (3) Drain No. 13, (4) Unnamed Drain, (5) Drain No. 55 and (6) Willow Creek from April 1 through October 1 of each year.

2. PID and Princeton-Codora-Glenn Irrigation District (PCGID) have jointly constructed a new pumping facility on the Sacramento River incorporating fish screens funded in part by the Department of Fish and Game (DFG). The new jointly operated pumping facility is located adjacent to the existing PCGID Pumping Plant within section 54, T20N, R1W, MDB&M. The new facility was constructed due to the antiquated 1915 design of the district's old pumping plants. The preexisting PID pumping facility at Sidds Landing will be demolished in favor of the new pumping plant. The new pumping plant has recently completed a test run and is scheduled to operate on a full-time basis starting with this year's irrigation season. PID filed change petitions in 1998 to cover the new facility, however, due to unexpected construction delays, necessary information to process the petition was not submitted. The petitioner, therefore, has requested a temporary urgency change to allow diversion at the new facility while the permanent petition for change is being processed.

3. On May 1, 2000, permittee petitioned the State Water Resources Control Board (SWRCB), Division of Water Rights, for a temporary urgency change pursuant Water Code section 1435. Permittee requests that an additional temporary point of diversion be added to Licenses 7205, 7206, and 7207 for the new pumping facility.

4. Permittee has consulted with the DFG regarding the proposed temporary urgency change. DFG, as a financial supporter of the new pumping plant, believes the installed fish screens will reduce fish mortality and thus the change will be in the public interest.

5. Resolution 99-031 at section 3.2.22 delegates to the Chief of the Division of Water Rights the authority to approve temporary urgency changes pursuant to Water Code section 1435, where no objections have been filed.

6. After public noticing of the proposed change on June 1, 2000, no objections were filed.

7. The licensee has an urgent need to make the proposed change.

8. The petitioned change will not operate to the injury of any other lawful user of water.

9. The petitioned change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.

10. The petitioned change is in the public interest.

11. Petitioner has submitted a Negative Declaration from which the SWRCB, as lead agency, has issued a Notice of Determination to comply with the provisions of the California Environmental Quality Act.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Licenses 7205, 7206 and 7207 shall be amended to add an additional point of diversion. This change order expires 180 days from the date of its issuance or October 1, 2000, the end of the petitioner's authorized diversion, whichever comes first.

2. An additional Point of Diversion, located on the Sacramento River and defined by California Coordinates as N2327548, E6560966 shall be added to Licenses 7205, 7206 and 7207.

3. The Chief of the Division of Water Rights retains continuous supervision over this change order and may cancel or modify it at any time without advance notice if conditions indicate, other lawful users are likely to be injured, fish & wildlife or other instream beneficial uses will be unreasonably affected or the continuation of the change order is not in the public interest.

Harry M. Schueller, Chief
Division of Water Rights

Dated: JUL 27 2000

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

In the Matter of License 7207

(Application 892)
Provident Irrigation District

ORDER APPROVING CHANGES IN POINT OF DIVERSION
AND AMENDING THE LICENSE

SOURCE: Sacramento River

COUNTY: Glenn

WHEREAS:

1. License 7207 was issued to Provident Irrigation District on March 30, 1965, pursuant to Application 892.

2. A petition to change the point of diversion was filed with the State Water Resources Control Board (SWRCB) on September 11, 1998 and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on June 16, 2000 and no protests were received.

3. The SWRCB has determined that the petition for change in point of diversion does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT LICENSE 7207 BE AMENDED TO READ AS FOLLOWS:

1. The condition of the license regarding the points of diversion be amended to read:

   (1) Sacramento River – GCID Hamilton City Pumping Plant by California Coordinate System of 1927, Zone 2, North 773200, East 1,986,300, being within NE¼ of SE¼ of projected section 2, T22N, R2W, MDB&M and
   (2) Sacramento River – PCGID/PID Sidds Pumping Plant by California Coordinate System of 1927, Zone 2, North 687,300, East 1,999,350, being within SW¼ of SW¼ of projected section 29, T20N, R1W, MDB&M
   (3) Colusa Basin Drain by California Coordinate System of 1927, Zone 2, North 688,800, East 1,993,950, being within NE¼ of SE¼ of projected section 25, T20N, R2W, MDB&M

(4) Drain No. 13 by California Coordinate System of 1927, Zone 2, North 688,950, East 1,979,900, being within NE¼ of SW¼ of projected section 27, T20N, R2W, MDB&M

(5) Unnamed Drain – Sprague Plant by California Coordinate System of 1927, Zone 2, North 682,950, East 1,976,550, being within NW¼ of SE¼ of projected section 33, T20N, R2W, MDB&M

(6) Drain No. 55 by California Coordinate System of 1927, Zone 2, North 671,200, East 1,977,250, being within SE¼ of SE¼ of projected section 9, T19N, R2W, MDB&M

(7) Willow Creek – Willow Creek Plant by California Coordinate System of 1927, Zone 2, North 652,300, East 1,976,150, being within NW¼ of SE¼ of projected section 33, T19N, R2W, MDB&M

2. The following conditions be added to the license:

The continuing authority condition, shall be updated to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

3. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

4. License 7207 is amended to include the following Endangered Species condition:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

(0000014)

5. License 7207 is amended to include the following Maximum Annual Use term:

The maximum amount of water diverted under this license and the licenses issued pursuant to Applications 462 and 640 shall not exceed 88,000 acre-feet per year

(00000114)

Dated: FEB 2 7 2001

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 892 PERMIT 416 LICENSE 7207

THIS IS TO CERTIFY, That

Provident Irrigation District
P.O. Box 191
Willows, CA 95988

Has the right to use waters of **(1 & 2) Sacramento River; (3) Colusa Basin Drain; (4) Drain No. 13; (5) Unnamed Drain; (6) Drain No. 55; and (7) Willow Creek in Glenn County** tributary to **(1 & 2) Suisun Bay; (3,4,5,6 and 7) Sacramento River thence Suisun Bay.**

for the following purpose: **Irrigation**

Amended **License 7205** supersedes the license originally issued on **March 30, 1965, which was** perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of **Permit 416**. The priority of this right dates from **January 18, 1918**. Proof of maximum beneficial use of water pursuant to **Application 892** was made as of **May 24, 1960** (the date of inspection).

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **110 cubic feet per second to be diverted from about April 1 to about October 1 of each year.**

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with other vested rights.

The maximum amount of water diverted under this license and the licenses issued pursuant to Applications 462 and 640 shall not exceed 88,000 acre-feet per year

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINTS OF DIVERSION ARE LOCATED:

(1) Sacramento River - GCID Hamilton City Pumping Plant by California Coordinate System of 1927, Zone 2, North 773200, East 1,986,300, being within NE¼ of SE¼ of projected section 2, T22N, R2W, MDB&M
(2) Sacramento River - PCGID/PID Sidds Pumping Plant by California Coordinate System of 1927, Zone 2, North 687,300, East 1,999,350, being within SW¼ of SW¼ of projected section 29, T20N, R1W, MDB&M
(3) Colusa Basin Drain by California Coordinate System of 1927, Zone 2, North 688,800, East 1,993,950, being within NE¼ of SE¼ of projected section 25, T20N, R2W, MDB&M
(4) Drain No. 13 by California Coordinate System of 1927, Zone 2, North 688,950, East 1,979,900, being within NE¼ of SW¼ of projected section 27, T20N, R2W, MDB&M
(5) Unnamed Drain - Sprague Plant by California Coordinate System of 1927, Zone 2, North 682,950, East 1,976,550, being within NW¼ of SE¼ of projected section 33, T20N, R2W, MDB&M
(6) Drain No. 55 by California Coordinate System of 1927, Zone 2, North 671,200, East 1,977,250, being within SE¼ of SE¼ of projected section 9, T19N, R2W, MDB&M
(7) Willow Creek - Willow Creek Plant by California Coordinate System of 1927, Zone 2, North 652,300, East 1,976,150, being within NW¼ of SE¼ of projected section 33, T19N, R2W, MDB&M

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

12,598 acres net within a gross area of 14,156 acres within the Provident Irrigation District and 775.5 acres net within a gross area of 950 acres within Glenn-Colusa Irrigation District, comprising a total of 13,373.5 acres net within a gross area of 15,106 acres, as shown on map on file with the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by

any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: FEB 27 2001

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights